

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 368 OF 2026

Rahul Ashok Dhavase

VERSUS

The State Of Maharashtra And Anr.

...

Mr. Sachin Madhav Bhavar, Advocate for Applicant.

Mr. Anand S. Shalgaonkar, APP for the Respondent-State.

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th MAY, 2026

P.C. :

1. The applicant seeks regular bail in connection with C.R. No. 915 of 2025 dated 08.11.2025 registered with Karmala Police Station, District Solapur, for the offences punishable under Sections 105, 115(2), 352 of the *Bhartiya Nyaya Sanhita, 2023*.

2. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. The alleged incident occurred at the spur of the moment and there was no premeditation. The applicant has been in custody for more than six months and there is no progress in the trial. The investigation is complete and the charge-sheet has been filed. The trial is unlikely to

conclude within a reasonable period. As such, further incarceration of the applicant is unjustified. Hence, prayed to allow the application.

3. Per contra, learned APP opposed the application submitting that the offence is serious in nature. The complicity of the applicant is apparent by the nature of the injuries in the post-mortem report. An apprehension is also expressed that if the applicant is enlarged on bail, there is every possibility of tampering prosecution witnesses. Hence, prayed to reject the application.

4. Having heard the submissions from both the sides and upon perusal of the record including charge-sheet *prima facie* indicates that the incident occurred at the spur of the moment, in absence of premeditation. Moreover, there are *prima facie* inconsistencies in the statement of witnesses. The investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed.

5. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

6. As far as the apprehension expressed by the learned A.P.P. in relation to tampering prosecution witnesses is concerned, the same

can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

7. Hence, the order :-

ORDER

I. The bail application is allowed.

II. Applicant - Rahul Ashok Dhavase be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 915 of 2025 dated 08.11.2025 registered with Karmala Police Station, District Solapur, for the offences punishable under Sections 105, 115(2), 352 of the *Bhartiya Nyaya Sanhita, 2023*, on the following conditions :-

(a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(c) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.

(d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]